

REMARKS

Applicant respectfully requests reconsideration. Claims 1, 8, 9, 11, 14, 15, 17-21, 24, 34, 43, 56, and 78-104 were pending in this application. Claims 1, 8, 9, 11, 14, 15, 17-21, 24, 34, 43, 56, and 78-104 are currently under examination. Claims 92, 93, 99 and 104 have been amended. Claims 1, 8, 9, 11, 14, 15, 17-21, 24, 34, 43, 56, 78-91, 94-98, and 100-103 have been canceled without prejudice or disclaimer. Support for the amendments can be found in the specification and in claims 1, 24, 34, and 43 as originally filed. As a result, independent claims 92, 93, 99 and 104 are pending. No new matter has been added.

Claim Rejections – 35 U.S.C. §112

The Examiner has rejected claims 1, 8, 9, 11, 14, 15, 17-21, 24, 34, 43, 56, 78-91, 94-98, and 100-103 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

Without conceding the correctness of the Examiner's argument that claims 1, 8, 9, 11, 14, 15, 17-21, 24, 34, 43, 56, 78-91, 94-98, and 100-103 lack written description, and solely to expedite examination, Applicant has canceled claims 1, 8, 9, 11, 14, 15, 17-21, 24, 34, 43, 56, 78-91, 94-98, and 100-103. Applicant has amended remaining claims 92, 93, 99 and 104 as suggested by the Examiner. Applicant believes that amended claims 92, 93, 99 and 104 are now allowable and that these amendments have rendered the Examiner's rejections moot. Applicant respectfully requests the Examiner to withdraw these rejections.

The Examiner has rejected claims 1, 8, 9, 11, 14, 15, 17-21, 24, 34, 43, 56, 78-91, 94-98, and 100-103 under 35 U.S.C. §112, first paragraph, because the specification, while being enabling for methods as claimed wherein the immunostimulatory nucleic acid sequence is SEQ ID NO: 729 allegedly does not reasonably provide enablement for the entire scope of the instant claims.

Without conceding the correctness of the Examiner's argument that claims 1, 8, 9, 11, 14, 15, 17-21, 24, 34, 43, 56, 78-91, 94-98, and 100-103 are not enabled, and solely to expedite

examination, Applicant has canceled claims 1, 8, 9, 11, 14, 15, 17-21, 24, 34, 43, 56, 78-91, 94-98, and 100-103. Applicant has amended remaining claims 92, 93, 99 and 104 as suggested by the Examiner. Applicant believes that amended claims 92, 93, 99 and 104 are now allowable and that these amendments have rendered the Examiner's rejections moot. Applicant respectfully requests the Examiner to withdraw these rejections.

CONCLUSION

In view of the above amendments and discussion, Applicant believe the pending application is now in condition for allowance. Allowance is respectfully requested.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. C1039.70052US00.

Dated: September 29, 2008

Respectfully submitted,

Pat H Wall

Patrick R.H. Waller
Registration No.: 41,418
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
617.646.8000